

C. Remarks

In the Office Action, claims 1-6 and 11-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. App. Pub. 2004/0172260 (Junger), and claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Junger in view of U.S. Patent Publication 2001/0034673 (Yang). Applicant respectively traverses these rejections as follows.

Petition for Extension of Time

Applicant encloses herewith a petition under 37 CFR 1.136(a) to extend the time period for submitting the present response by three months. The Office is hereby authorized to charge the fee set forth under 37 CFR 1.17(a)(3), large entity, in connection with this petition, as well as any other fees necessary for consideration of this submission, to Deposit Account No. 11-1110.

Claim Amendments

Claims 1 and 17 have been amended to correct inadvertent typographical errors.

Claims 8-10 have been amended to depend from claim 7 to provide antecedent basis for the phrase “enterprise resource planning system.”

The preamble of claim 19 has been amended to recite “[a] disk having instructions stored thereon, which, when executed by a processor, cause the processor to...” The body of claim 19 has been amended to further recite “wherein the validation rules comprise database logic to check that serialized data does not exist for an entering inventory item and that serialized data does exist for an exiting inventory item.”

Support for this amendment is found, for example, at ¶ [0009] and ¶ [0053] of the application as filed.

Claim 20 has been canceled without disclaimer of the subject matter contained therein.

35 U.S.C. § 102(e) Rejections

Claims 1-6 and 11-16

Claim 1 was rejected under § 102(e) as being anticipated by Junger. Junger is generally directed to a computer based system for providing a method for real time data storage and retrieval for the purpose of verifying and validating sales transactions and product return/warranty repair eligibility. See ¶ [0008]. With reference to ¶¶ [0177] to [0187] and FIG. 19 of Junger, a return authorization engine is provided for allowing consumers to initiate their own return of products purchased at a conventional retail location or purchased online from e-tailors. To initiate the return, a consumer accesses a returns Web site 1902 (FIG. 19) to enter information relating to the return. Based on this information, if the product qualifies for a return, the consumer is given a return authorization (RA) number and return instructions for sending the product to a return center 1906 (FIG. 19, step 4b), and RA data is transmitted to the returns center 1906 (FIG. 19, step 5). After the product is received at the returns center 1906, notification is provided to the vendor/retailer from whom the product was purchased to issue a refund or exchange (FIG. 19, steps 6 and 7). If the product is not eligible for a return, the consumer is advised of this fact and given information about repair facilities that may be able to repair the product (FIG. 19, step 4a).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. See *id.* For at least the reasons set forth below, Applicant respectfully submits that Junger does not anticipate claim 1 because it fails to describe, either expressly or inherently, every element contained in claim 1.

More specifically, Applicant respectfully submits that Junger fails to teach or suggest, *inter alia*,

[a] host system having a serialized inventory control system ..., wherein the serialized inventory control system includes database logic to check that serialized information does not exist for an entering inventory item and that serialized information does exist for an exiting inventory item,

as recited by amended claim 1. The Office cites ¶¶ [0178] and [0187] and FIGS. 19-35 of Junger as disclosing this feature. Applicant respectfully disagrees. Paragraph [0178] of Junger appears in its entirety as follows:

In a preferred embodiment, a Web site is provided which can be accessed by the customer via an Internet connection or the like. FIG. 19 shows an overview of the main components and flow of this aspect of the invention. The customer accesses the web site 1902 and enters information related to the return, such as a serial number of the product to be returned. The Web site can request any suitable information to be entered by the customer, such as name, address, place of purchase, date of purchase etc. However, if the product is a serialized product (i.e. a product that has been previously registered in the transaction database (electronic registration (ER)) in the manner described above, then all that is needed is the serial number in order to provide the customer with information on return qualification and return procedures. The serial number is

then used to access the ER database to determine if the product qualifies for return based on the applicable return criteria. If the product does qualify for return, the customer is given a return authorization (RA) number and return instructions. The RA and return instructions can be printed at the customer's computer used to access the Web site. The return instructions preferably include shipping instructions indicating where and how the product should be shipped for the return. The system may also tell the customer who to expect a refund or exchange from and how long it will take.

Paragraph [0187] of Junger appears in its entirety as follows:

Additional exemplary screens are shown in FIGS. 22-35. FIG. 22 shows an example where the product is good for return; FIGS. 23 and 24 show examples where the product is not good for return with manager override; FIGS. 25 and 26 show examples where the product is not good for return (less than extended period), good for warranty repair; FIGS. 27 and 28 show examples where the product is not good for return (greater than extended period), good for warranty repair; FIGS. 29 and 30 show examples where the product is not good for return (no override), not good for warranty repair with manager override; FIGS. 31-33 show examples where all product return periods have expired (no override), providing repair center lookup; FIG. 34 shows an example where the product was manufactured by a non-participating manufacturer; and FIG. 35 shows an example where there is a UPC/Serial Number mismatch between the product packaging and the product.

At the outset, Applicant respectfully submits that neither ¶ [0178], ¶ [0187] nor FIGS. 19-35 appear to teach or suggest an “entering inventory item” as recited by claim 1.

Applicant has found no mention of the term “inventory” in any of these passages or figures, and insofar as the Office may allege that a product returned by a customer constitutes an “entering inventory item,” Applicant respectfully submits that the term “inventory,” as would be understood in light of the present specification interpreted by one of skill in the art, does not include a product sold to and received by a customer that

is subsequently returned by the customer (such as the returned products disclosed by Junger).

Even assuming that the claimed “entering inventory item” could properly be construed to include a customer-returned products disclosed by Junger (which Applicant disputes), Junger still fails to teach or suggest “*wherein the serialized inventory control system includes database logic to check that that serialized information does not exist for an entering inventory item*” as recited by claim 1. To the contrary, Junger discloses that when using electronic return verification, a condition for a serialized product to be returned is that the product’s serial number is located in a store-wide database or in a registration database center. See, e.g., ¶¶ [0095], [0096], [0099], [0100], [0122], [0123], [0170] and [0178]. Thus, Junger explicitly teaches the need to verify that a serialized product’s serial number does exist before the product may be returned, whereas claim 1 recites “database logic to check that serialized information does not exist for an entering inventory item.” Therefore, to the extent that the Office contends that a returned product of Junger constitutes the claimed “entering inventory item,” it is clear that Junger explicitly teaches away from using database logic to check that serialized information does not exist for such items.

Additionally, Applicant’s review of ¶¶ [0178] and [0187] of Junger cited by the Examiner has uncovered no teaching or suggestion of an “exiting inventory item” as recited by claim 1. Applicant notes that Junger discloses in other passages an electronic registration operation used by a store associate when a product is sold to a customer. See, e.g., ¶¶ [0069] to [0081]. To the extent that the Office may take the position that a product being sold constitutes an “exiting inventory item,” Applicant

respectfully submits that Junger does not appear to teach or suggest “*wherein the serialized inventory control system includes database logic to check ... that serialized information does exist for an exiting inventory item,*” as recited by claim 1. In particular, while Junger discloses that a retailer may apply a serial number verification technique, such as a “check digit” technique for mathematically verifying serial number validity (¶ [0073]), or mask techniques for distinguishing between packaging serial number and product serial numbers (¶ [0075]), these techniques do not involve checking to see if an item’s serial number exists, such as, for example, in a database table as described at ¶ [0053] of the present specification.

For at least the reasons set forth above, Applicant respectfully submits that Junger does not teach or suggest “[a] host system having a serialized inventory control system ..., wherein the serialized inventory control system includes database logic to check that serialized information does not exist for an entering inventory item and that serialized information does exist for an exiting inventory item,” as recited by claim 1. Applicant therefore submits that Junger fails to anticipate claim 1.

Applicant respectfully submits that claims 2-6 and 11-16 are also not anticipated by Junger at least by virtue of their dependence from claim 1.

Additionally, Applicant respectfully submits that subject matter of the dependent claims is also not taught or suggested by Junger. For example, claim 6 recites a feature “*wherein the serialized information comprises immigration data.*” The Office cites ¶ [0028] as disclosing this feature. Applicant respectfully disagrees. Paragraph [0028] of Junger appears in its entirety as follows:

The present invention achieves these and other objects by providing an electronic registration and verification system which uses individual product identification information for purchased products, gathered, for example, at the point of a sales transaction or during the fulfillment of an on-line purchase from an e-tailer, and storing the information in one or more transaction databases. In an example embodiment of the present invention, individual product identification information (such as a unique serial number) is stored in a local transaction database along with additional information including at least the date of the transaction. A transaction receipt such as a customer sales receipt may be created and includes at least the unique product identification information and the date of the transaction. Additionally, the individual product identification information and the transaction date may be communicated to a separate location for inclusion in a general transaction database. The local transaction database may include, for example, sales made by a particular store or sales made by several affiliated stores and is not necessarily co-located with the point of sale or the e-tailer. The local transaction database may also organize the data by individual manufacturer for ease of access.

Applicant respectfully submits that this passage clearly fails to teach or suggest serialized information that includes immigration data. In fact, Applicant can find no mention of the term “immigration data” anywhere within the entire Junger reference. Applicant therefore respectfully submits that the Office’s anticipation rejection of claim 6 based on Junger is clearly without support and should be withdrawn.

Claims 17-20

Amended claim 17 is directed to a method of inventory control capable of being performed by a computer system. The method includes the steps of:

receiving serialized data;
applying validation rules to the serialized data;
flagging exceptions to the validation rules; and

reporting the exceptions,
wherein the validation rules comprise database logic
to check that serialized data does not exist for an entering
inventory item and that serialized data does exist for an
exiting inventory item.

Amended claim 19 is directed to a computer-readable medium having instructions stored thereon, which, when executed by a processor, cause the processor to:

receive serialized information;
apply validation rules to the serialized information,
wherein the validation rules comprise database logic to
check that serialized data does not exist for an entering
inventory item and that serialized data does exist for an
exiting inventory item;
flag exceptions to the validation rules; and
report the exceptions.

For at least reasons analogous to those cited above with respect to claim 1, Applicant respectfully submits that claims 17 and 19 are not anticipated by Junger.

Applicant respectfully submits that claim 18 is also not anticipated by Junger at least by virtue of its dependence from claim 17.

As discussed above, claim 20 has been canceled, thus rendering its rejection moot.

35 U.S.C. § 103 Rejections

Claims 7-10

Claims 7-10 were rejected under § 103(a) as being unpatentable over Junger in view of Yang. Claims 7-10 depend from claim 1. Applicant respectfully submits that the above-described defects of claim 1 with respect to Junger are not curable based on the combination of Junger and Yang. Accordingly, Applicant respectfully submits that claim

1 is non-obvious in view of Junger and Yang, and, therefore, that claims 7-10 are non-obvious over Junger in view of Yang at least by virtue of their dependence from claim 1.

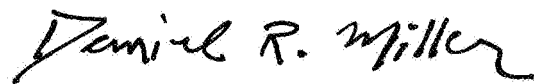
D. Conclusion

Applicant is not otherwise conceding the correctness of the rejections with respect to any of the dependent claims and wishes to reserve the right to make additional arguments as may be necessary because features of the dependent claims further distinguish the claims from the cited reference. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences between the independent claims and the cited reference pointed out above.

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

The Office is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 11-1110.

Respectfully submitted,



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